IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO: 19178 of 1996

Between:

1 Sankara Naidu.G., S/o.Munaswamy Naidu,
R/o.Tirupathi, Chittoor District.
2 T.Haribabu, S/o.P.Govinda Swamy,
R/o.Tirupathi, Chittoor District.
3 P.Subrahmanyam, S/o.P.Peeraiah,
R/o.Tirupathi, Chittoor District.
4 P.Gangaiah Naidu, S/o.Bodaiah,
R/o.Tirupathi, Chittoor District.
5 Guruvaiah, S/o.V.Guravaiah,
R/o.Tirupathi, Chittoor District.

.... PETITIONERS

AND

1 The Prl.Secretary Revenue (Endtt-III), Government of

Andhra Pradesh, Secretariat, Hyderabad.

2 The Executive Officer, T.T.D.,
Tirupathi.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in not regularizing the services of petitioners as Games Markers as illegal arbitrary and unconstitutional and consequently direct the respondents to regularize the services of the petitioners as Games Markers w.e.f.27-11-1991 with all consequential benefits and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the

circumstances of the case.

Counsel for the Petitioner: MR.S.V.Bhatt/G.Ramesh Babu

Counsel for the Respondent NO.1: GP FOR HIGHER EDUCATION

Counsel for Respondent No.2: Mr. A.Ramalingeswara Rao

The Court made the following:

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ORDER:

This writ petition is filed seeking a *Mandamus* declaring the action of the respondents in not regularizing the services of the petitioners as Games Markers as illegal, arbitrary and unconstitutional and consequently direct the respondents to regularize the services of the petitioners as Games Markers with effect from 27.11.1991 with all consequential benefits therefor.

2. It is the contention of the petitioners that they have been appointed as Games Markers and they are fully qualified and eligible to hold the post of Games Markers.

They have been working as NMR/ Games Markers for a meager sum of Rs.500/- per month as a fixed remuneration. The first petitioner has put in 34 years of service and the other petitioners have put in 11 years of service and more. Though, they made several representations to the second respondent, all went in vain. The posts in which petitioners are working are time scale posts in S.V.University and they are regular sanctioned posts. However, basing on the representation of the petitioners, the second respondent was pleased to recommend to the first respondent to permit him to absorb the petitioners as Games Markers on the basis of the Resolution passed by the Tirumala Tirupathi Devasthanam (for short "T.T.D") Board in its resolution No.651 dated 27.11.1991. It is also the case of the petitioners that the second respondent had regularized the service of 4000 persons working in T.T.D in different departments and in various categories in which they worked on N.M.R basis in the hostels and colleges attached to it. Non-regularization of the services of the petitioners is wholly arbitrary and illegal.

3. A detailed counter affidavit has been filed by respondent No.2. It is asserted in the counter that the proposals of the T.T.D for absorption of the services of the petitioners was negatived by the first respondent and since educational institutions are run on grant in aid, it is not possible for the second respondent to absorb the petitioners without prior permission of the first respondent. However, it is stated that it is true that the second respondent requested the first respondent to regularize the services of the petitioners based on the Resolution No.651, dated 27.11.1991 of the T.T.D Board and the first respondent negatived the same by its Memo No.21340/Endts.III-2/92-2, dated 16.9.1992 stating that daily wage employees are not eligible for conversion into Last Grade Posts. It is further stated that under Memo dated 17.4.1993, the case of the petitioners was rejected. Therefore, they are not entitled for regularization.

4. Heard both sides. In the letter dated 6.3.1992 the Executive Officer of T.T.D addressed a letter to the Principal Secretary to the Government, Revenue (Endowments III) Department, Government of Andhra Pradesh, Hyderabad recommending the names of the petitioners for their absorption as per the T.T.D Board Resolution No.651, dated 27.11.1991 in the category of Games Markers (Attenders cadre). Thereafter, again on 16.10.1992, the Executive Officer of T.T.D

addressed the Principal Secretary to Government, Revenue (Endowments.III) Department recommending the names of the petitioners. The recommendation reads as under:

> "In this connection it is also submitted that Government were kind enough to accord permission to regularize the services of all N.M.Rs , Casual Labourers, Volunteers and also Unit workers from 1.1.1979 to 31.3.1998 in a phased manner through different Govt. Orders.
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> In the instant case, the six game markers have been rendering services ranging from the year 1962 to 1985. But to their misfortune they have not been absorbed and regularized.
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> However, taking into consideration the fact of long years of service rendered in T.T.Ds, the Board approved the proposals for their absorption and requested the Government to accord necessary permission. It may be reiterated that these cases fall in the category of nearly 4000 employees whom the Government were kind enough to regularize."

5. It is stated that they are working on consolidated salary and they are not daily wage employees and their services may be regularized by granting six Attender posts duly exempting from rules of employment exchange as has already been resolved by the T.T.D. Board.

6. From the above letter, dated 16.10.1992, it is clear that the petitioners have put in long service of 20 to 40 years of continuous service with the T.T.D. In the above said letter, it was also reiterated that the case of the petitioners fall within the category of nearly 4000 employees whom the Government were kind enough to regularize. When it came to the case of the petitioners, it is not understandable as to why the case of the petitioners was rejected.

7. Learned counsel for the petitioners Sri S.V.Bhatt contends that the recommendation made by T.T.D on 16.10.1992 was not acted upon and the first respondent may be directed to consider the recommendation made by T.T.D and

appropriate action may be taken as was done in the case of 4000 employees, who were similarly placed like that of the petitioners even as per the letter dated 16.10.1992 of the T.T.D.

8. From the above, it is clear that the first petitioner has put in more than 40 years of service and the other petitioners have put in more than 20 years of service in NMR/Games Marker cadre and the T.T.D passed resolution recommending the names of the petitioners as early as on 27.11.1991. Thereafter, on 16.10.1992 also, the T.T.D has explained the position of the petitioners and stated that these petitioners also fall in the category of nearly 4000 employees for whom the Government approved their regularization.

9. I am of the considered opinion that the first respondent has not considered the recommendations made by the T.T.D Board in its true spirit. Therefore, respondent No.1 is directed to reconsider the matter as per the recommendations made by the Board in its Resolution No.651, dated 27.11.1991 and also as per the letter dated 16.10.1992 and pass appropriate orders considering regularization of the petitioners in the category of Games Markers or any other suitable posts in which petitioners can be accommodated. This exercise shall be completed by the first respondent within a period of three months from the date of receipt of this order.

10. The writ petition is accordingly ordered. No costs.

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C.V.RAMULU, J

Dated: 25.03.2005

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To

1 The Prl.Secretary Revenue (Endtt-III), Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Executive Officer, T.T.D.,
Tirupathi.

3 2 CCs to G.P for Higher Education, High Court Bldgs, Hyd. (OUT)

4 2 CD copies.